



US Army Corps  
of Engineers  
Detroit District

# Public Notice

Applicant: Donkersloot & Sons Marine Development Company

In Reply Refer To: Corps File No. 03-063-002-0

Date: March 1, 2004

Expires: March 21, 2004

---

**Proposed Dredging, Discharge of Material and Construction of a Modular Docking System in Wetlands Adjacent to and in the Galien River at New Buffalo, Michigan**

**Applicant:** Donkersloot & Sons Marine Development Company, 19554 M-239, New Buffalo, MI, 49117. Agent for: Robert A. Simenas, 5612 West 79<sup>th</sup> Street, Burbank, Illinois 60549.

**Project Location:** In wetlands adjacent to and in the Galien River, Section 3, Township 8S, Range 21W, in New Buffalo Township, Berrien County, Michigan. The site is located at 11620 Prospect Drive, on Lots 6,7,13 & 14.

**Federal Authority:** The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**State Authority:** Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Environmental Quality, Geological and Land Management Division (MDEQ) and constitutes its public notice as required by Section 401 of the Act. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

**Project Description:** As shown on the attached plans, the applicant proposes to mechanically dredge 900 cubic yards of material from a 120' long x 60' wide x 6' deep wetland area, and 75 cubic yards from a 10' long x 60' wide x 6' deep area of the Galien River to form a boat well. Side slopes of the dredged areas shall be 1H: 3V. Construct a modular docking system secured by 4 – 3" diameter pipe piles and consisting of a 25' long x 5' wide main pier, a 16' long x 5' wide perpendicular section with an attached 34' long x 15' wide floating watercraft storage area within the boat well. Construct a 30' long x 5' wide elevated boardwalk across wetlands. The dredged spoils will be temporarily sidecast in the adjacent wetland east of the extraction site on the southern half of Lots 13 and 14. After drying of dredged spoils, the material will be removed from the wetlands and permanently disposed of in the upland area (northern half) of Lots 13 and 14 where it will be spread and seeded. The purpose of the project is to re-establish a boatwell and access channel to provide a docking facility for recreational watercraft.

**Other Authorizations:** The applicant has either received or requested the following governmental authorization:

State of Michigan, Michigan Department of Environmental Quality (MDEQ) permit under authority of the Natural Resources and Environmental Protection Act, 1994 PA 451:

Part 301, Inland lakes and Streams

Part 303, Wetland Protection

Part 31, Floodplain/Water Resources Protection

**Comments:** We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number 03-063-002-0/03-11-110. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

a. John Konik, Chief, Permit Evaluation Branch A, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Kristi.M.Defoe@usace.army.mil, but must include a name and mailing address.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Evaluation:** The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

**Endangered Species:** We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

**Cultural Resources:** The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

**Additional Information:** Questions concerning this application may be directed to Kristi M. DeFoe at the Corps of Engineers address listed above, or telephone number (313) 226-7718.

FOR THE DISTRICT ENGINEER:

John Konik  
Chief, Permit Evaluation Branch A  
Regulatory Office

**NOTICE TO POSTMASTERS:**

We request that the above notice be conspicuously and continuously posted for the time period of this notice.